

Oscar L. Finley  
Mount Olive Correctional Complex  
Quilliams I, Pod 5-cell 518  
One Mountainside Way  
Mount Olive, West Virginia 25185

FILED

JAN 24 2003

SAMUEL L. KAY, CLERK  
District & Bankruptcy Court  
Northern District of West Virginia

January 22, 2003.

Mr. Samuel L. Kay, Clerk,  
United States District Court  
Robert C. Byrd U.S. Court House, & IRS Complex  
Suite 119  
110 N. Heber street  
P.O. Drawer 5009  
Beckley, W. Va. 25801

5:03-0066

RE: Finley v. Rubenstein, Com. of Corr., et al.

Dear Clerk Kay;

I am in receipt of your response dated December 27, 2002, and at this time wish to send forth this written pro-se complaint for a Federal Investigation.

I have been, "Threatened, Assualted, and Stabbed" in the arm by a Correctional Officer, severely injured, and the same Correctional Officer "cpl. Jason Collins, cleverly went and stated he stopped me in front of Capt. Joseph Woods October 17, 2002, at 1630 hrs. However, Capt. Woods thought about it and enjoyed hearing this. And refused to file any incident report on it.

Gov. Wise, Commissioner of Corrections to Warden McBride, on down refuse to assist me, but keeps me on lock-up. Institutional Magistrate Betty Stayton, has stated Federal law does not exist herein this Complcy.

I have filed to the Fayette County, Circuit Court care of Honorable Judge Vickers, on how to get warrants for arrest of certain officials herein Mt. Olive, with no response.

I, filed all procedures on appeals and both were clearly denied without cause nor were they read or investigated and clearly states its on video we're Cpl. Collins tried to break my neck, and stabbed me in the left upper forearm.

2). I am to receive one(1) hour in the Law Library the last time I only received thirty-five (35) minutes, and each time it gets shorter. Nor can I type or work on a civil action due to a certain Cpl. Leo Peak, has stated he was ordered to read everything I do, therefore, I can't work on any thing for this Court. (See attach a memo sent to Warden, and acting Warden, with no response).

3). Sir, my only problem is I'm a Indigent Person, and I have to live on a six (\$6.00) dollar turn-in every two months and I can't afford stamps, envelopes to send out one or two large packages. I & I do it's taken out of my only income, however, it would at least twelve to thirteen stamps to get it to this Honorable Court.

My position is very complicated and if I had the stamps and a large envelope I would send them to Honorable Judge Vandervort. For I have valuable documents that would be sent to him, as to the illegal actions that sets forth herein this complaint.

And if Honorable R. Clarke Vandervort feels I have a case then maybe he would contact me by phone. I have a severe chronic condition, Rheumatoid Arthritis and its very easy to injure me either by handcuffs, or shanks, or by just grabbing my wrists.

Sir, I need help in the worse manner, I've been liberally stabbed, assaulted, threatened, and my personal property destroyed by this administration.

Please contact me as soon as possible, time is of the essence, your prompt time and assistance will be greatly appreciated.

Respectfully  
Oscar L. Finley, #15137  
Williams I. Pad 5-C-11518  
Pro-se

One Mountainside Way  
Mount Olive, West Virginia 25285

refuse to  
Respect, condones  
to his action  
both Warden McBrick  
and Mr. Warden  
Exhibit I

TO :

Mr. Michael V. Coleman, Acting Warden

FROM : Oscar Z. Finley, #15137, A.I. #00518

DATE : December 12, 2002.

RE : Abuse of Authority

### MEMORANDUM

Mr. Coleman;

I have written, and filed litigation in to your office concerning one Cpl. Peak, and each time there has been no type of response. On the above date Cpl. Peak went and shortened my time in the law library, stating your time starts when your cell clock is open. I have been doing time for sixteen (16) years and I've been here in William I and II, numerous times and this is the first I have heard of that ruling procedure, I only received thirty-five (35) minutes not the whole hour. Is this one of your new procedures?

2) Cpl. Peak, is making threatening statements, that you will place Earth on order giving him permission to handle, touch my Medicine Bag, and its contents. His excuse is he's Native American, and that gives him the right to handle it.

3) December 11, 02 Cpl. Peak, clearly stated he can touch or handle my Medicine Bag, any time, I showed him the Memorandum dated June 11, 2002, Cpl. Peak, left cussing stating 7/11 get even.

4) As I was coming back from Law Library, Cpl. Peak, by stating he'll get an order from Michael Coleman stating he can touch it. In response I stated federal judge would not uphold his order, it's in violation of my religious rights and what's in side of it is sacred, Cpl. Peak, clearly stated excuse the insolence of language, "Fuck the Federal Judge", Michael Coleman will give me my order, shut your fucking mouth. Once back at the cell while I was leaning up against the wall, Cpl. Peak base'd off, and put his face in to mine, and was blowing his breath in to my left side of my face.

5). However, this is not the first Cpl. Peak, has abused the authority, December 4, 02, I was denied the right to go to Law Library, his excuse I had facial hair on my face, I just shaved that morning, and everybody knows I can't grow facial hair I only need to shave once a week. Cpl. Peak, started disrespecting me by calling my mother a "Bitch and a Whore", I filed a B-I to Capt. Williams, however, Cpl. Peak got a hold of it read it and threw it away. That night he stuck it on my egghatch and told me about the B-I.

Wherefore, it seems you do condon Cpl. Peaks, attitude

attitude, or abuse of authority. Why is this officer still allowed to work herein this complex, Mr. Coleman, you are at this time responsible for his actions, Prob. Wk Var. Ldcs 28-5-4

Maybe, that's why you have refused to assist me or even speak with me," the long part is I'm the only one who is punished, never stated, example Mason Harold, Co. 163 Trump, no punishment, suspension. Yet I can receive six (6) months for assault and/or battery, but and inharmon Yano Smith, only receives ninety (90) days for beating up a fifty-five (55) year old man. Why is that, Magistrate can't please choose who is to get the most or less, if one gets ninety (90) days then all of the inmates should get ninety (90) days.

Mr. Coleman, if I am injured again either by handles, shackles, or assaulted in any way shape or form I will have no choice but to bring charges, through judicial system, you misinformed me 1,000, and the courts would see that staff is never allowed to punish or terminate if you've been assaulted injured slandered because I'm incarcerated like Capt Woods, shot Oct. 9. 03, your just an inmate, "In front of the bath,

Your prompt attention will be greatly appreciated, yet I know you'll do nothing.

EE!

Respectfully,

W. Vesl, A.S.W.S.

Betty Sibley, Mag.

OSCOR d. Jan'y 15/03)

L. Thunder, exec. Ass. K. 2400, Asst. M.P.

O.T. Pd 5-514

K. Woods, D.L.S. K. Dillon, Pev.

exhibit 2.

complaint was filed and sent to Gov. Wise, no response, nor did he order an investigation.

This was certified when I had a job and a turn-in, on suggestion that was no job, just six thousand dollar turn-in every two months.

2001 2510 0006 9047 3638

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Street, Apt. No., or PO Box No. <b>1900 KANAWHA BLVD</b>	
City, State, ZIP+4 <b>Charleston WV 25305</b>	

PS Form 3800, January 2001      See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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**1. Article Addressed to:**

Governor Bob WISE, Esq.  
c/o Governor's office  
WV STATE Capitol  
1900 Kanawha Blvd.  
Charleston WV 25305

**COMPLETE THIS SECTION ON DELIVERY**

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C. Signature

X *Wiseman* *Bob*  
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